MC(N) 397/2006
BEFORE
THE HON'BLE MR JUSTICE D. BISWAS, CHIEF JUSTICE(ACTG.)
THE HON'BLE MR JUSTICE B.D.AGARWAL

Heard Mr MU Mahmud, learned counsel for the applicants and also Mr VM Thomas, learned Standing Counsel for the Education Department.

2. This application has been filed u/s 5 of the Limitation Act by the State of Assam & others seeking condonation of delay of 2342 days in preferring the WA No.29/2006 against the judgment and order dated 24.8.99 passed in Civil Rule No.2055/92.

3. By the aforesaid order, the Education Department, State of Assam was directed to pay the arrear and current salaries of the writ petitioners. The said order was not complied with. Subsequently, a contempt proceeding was also drawn against the concerned officers. In the contempt application No.174/2004, the present applicants were also impleaded on 13.12.2004. Thereafter, the contempt case was disposed of on 3.5.2005. However, during this period, the writ petitioners did not make any attempt to assail the judgment passed in the aforesaid Civil Rule.

4. Even if we count the delay from the date of impleading the petitioners in the contempt case, the appeal stands delayed by 266 days. No explanation has been given for this delay in the application.

5. After giving our anxious consideration to the entire aspect of the matter, we are not inclined to condone the delay.

6. The Misc Case accordingly stands dismissed.